

W5YI

Nation's Oldest Ham Radio Newsletter **REPORT**

Up to the minute news from the world of amateur radio, personal computing and emerging electronics. While no guarantee is made, information is from sources we believe to be reliable. May be reproduced providing credit is given to The W5YI Report.

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FCC RELAXES PROHIBITED COMMUNICATIONS RULE

Public service and personal communications with business component now allowed!

The Federal Communications Commission has been trying for many years to accommodate the steady stream of requests it gets from the amateur community to broaden the scope of amateur personal and public service communications. After two years of Government rule making, this proceeding (PR Docket 92-136) has finally reached the *Report and Order* stage and new ham communications content guidelines have been enacted into law.

Let's get right to the bottom line! Effective 30 days after publishing in the *Federal Register* (approximately September 15th) here is what you can - and can not do on the ham bands! But be aware that there are some exceptions!

PERMISSIBLE COMMUNICATIONS CONTENT

Any amateur-to-amateur communications are now permitted unless:

- a. Specifically prohibited. These include:
 1. Music (except incidental space shuttle music);
 2. Communications facilitating a criminal act;
 3. Messages obscured by codes or ciphers;
 4. Obscene or indecent words or language; and
 5. False or deceptive messages, signals or identification.
- b. Transmissions for compensation. The following exceptions apply:

1. Morse code practice and information bulletins (special criteria);
2. Classroom teachers using ham radio in the classroom.
- c. Transmissions for the pecuniary benefit of the station control operator or his or her employer.

The following communications are permitted, but not "...on a regular basis" (not defined by FCC)

1. Communications which could reasonably be furnished through other radio services;
2. Notices concerning sale or trade of amateur station apparatus; and
3. Retransmissions of Government provided space shuttle, propagation and weather forecast broadcasts.

What are the changes?

Here are some examples of the old and new Part §97.113 which covers prohibited communications.

OLD RULE

No amateur station shall transmit any communications which promotes the business or commercial affairs of any party. If anyone profits financially, it is an illegal transmission.

NEW RULE

An amateur may not be paid, direct or indirect, for his voluntarily provided communications.

OLD RULE

Except for emergency communications, the ham bands

may not be used as an alternative to other authorized radio services.

NEW RULE

Amateur-to-amateur communications which could reasonably be furnished alternatively through other radio services will now be permitted on the ham bands - *although not on a regular basis*. This will allow amateurs to legally participate with the Weather Service, Police and Fire Department, Parks and Forestry Service, and many other local, state and federal agencies.

OLD RULE

Logistical communications including those benefiting sponsors of public gatherings are prohibited. This includes such activities as moving, ordering, supplying and quartering. All communications must be safety related or benefit the public rather than a specific sponsoring organization.

NEW RULE

All voluntary amateur communications unless the control operator or his employer profits are permitted unless specifically prohibited. Voluntary logistical communications now allowed.

OLD RULE

Paid teachers may not use amateur communications when they are teaching since this represents transmissions for material compensation.

NEW RULE

Classroom instructors may accept compensation during the period of time when amateur communications are used during their teaching activities.

OLD RULE

Personal communications that financially benefit anyone are prohibited.

NEW RULE

Basically any communication that does not financially benefit the amateur operator or his employer are permitted. Amateur operators may still notify other amateurs of the availability for sale or trade of ham gear on the bands as long as it is *not a regular occurrence*.

OLD RULE

No station shall transmit music on the ham bands.

NEW RULE

Music is still prohibited, but incidental music between a space shuttle and the earth will be allowed.

OLD RULE

Other than space shuttle communications, amateur stations may not retransmit radio signals from other radio services.

NEW RULE

Propagation and weather forecasts originating from U.S. Government may now also be *occasionally* retransmitted to amateur operators. The key word is "occasionally."

What stayed the same?

(1) There were no changes to the rule which allows amateur operators to be paid for transmitting Morse code practice and information bulletins. The guidelines still require at least 40

hours of telegraphy and information bulletins to be transmitted on at least six ham bands between 160 and 10 meters. A schedule of frequencies and times must be published 30 days in advance.

(2) Broadcasting to the public, program production and newsgathering on the ham bands remains prohibited unless an emergency exists and no other communications facilities are available.

(3) There were no changes to Section §97.111, Authorized transmissions, §97.115 Third Party Communications or §97.117 International Communications. The only change was a general relaxation of §97.113 Prohibited communications.

Report and Order released by the FCC

In our last issue we published the press release issued by the FCC. The commission has now issued the text of the Order on PR Docket No. 92-136. Here is the entire word-for-word text:

REPORT AND ORDER

PR Docket No. 92-136 - Released: July 28, 1993

I. INTRODUCTION

1. In the *Notice of Proposed Rule Making* in this proceeding, we proposed to amend the amateur service rules to permit greater flexibility for amateur stations which transmitting communications for public service projects and personal matters without altering in any way the nature and purpose of the amateur service. This Report and Order adopts the rules substantially as proposed.

II. DISCUSSION

2. The international Radio Regulations define the amateur service as a radiocommunications service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest. The essence of this definition is carried over to the Communications Act of 1934, as amended, which regulates the amateur service in the United States, and to various Commission rule sections.

For this reason, Section 97.113(a) of the Commission's Rules, 47 C.F.R. § 97.113(a) prohibits amateur stations from transmitting any communications the purpose of which is to facilitate the business or commercial affairs of any party, or as an alternative to other authorized radio services.

The amateur service community, however, generally desires a relaxation of this restriction to accommodate contemporary communications demands and the operational capabilities of amateur station licensees. Noting that it appears the amateur community appreciates both the benefits and the burdens of such relaxation, we proposed to relax the restriction. Over eighty comments and reply comments were filed in response to the *Notice*.

3. The comments convincingly support the proposal. Although some comments urge caution to prevent exploitation of the service, they show that the present rules hamper amateur operators from serving the public as well as diminish the value of the amateur service in satisfying personal communication needs.

The vast majority of comments support our proposal to relax the prohibition against using the amateur service as an alternative to other radio services such as the maritime services, land mobile radio services or the cellular telephone service. They believe that the current prohibition is overly cautious and unnecessary. [Section 97.113(a) states, in part: *No station shall transmit communications as an alternative to other authorized radio services, except as necessary to providing emergency communications.*]

We concur. The capabilities of modern mobile communication services have all but eliminated the incentive to use the amateur service instead of those services. We will relax, therefore, the current prohibition, as proposed, to provide amateur operators greater flexibility for public service and personal communications.

4. The American Radio Relay League notes that it expects no noticeable change in amateur operations as a result of this rule making. This relaxation of the restrictions contained in the rules allows the amateur community to satisfy its contemporary needs for communications in return for greater responsibility for self-regulation and cooperation in the use of its allocated frequencies. This relaxation also will satisfy the desire of the licensees of many amateur stations to retransmit propagation and weather forecast information originating from United States Government stations.

The revised rule provides, therefore, that propagation and weather forecast information intended for use by the general public and originated from United States Government stations can be retransmitted by any amateur station without permission of any government agency.

In addition, as requested by the League, we shall clarify that the rule requiring prior approval for amateur station re-transmissions of United States Government communications applies only to communications, including incidental background music, between a space shuttle and its associated earth stations.

5. Some comments suggest even greater relaxation than we proposed. The League, however, states that the proposed rule is a good, workable middle ground offering the requisite protection against exploitation.

The National Association of Broadcasters and The Radio-Television News Directors Association (NAB/RTNDA) request that we eliminate the existing immediacy requirement before amateur operators can become involved in news gathering activities. [See Section 97.113(c)]

The NAB/RTNDA wants amateur operators to be able to disseminate any news information when no other means of communications are available. Mr. Michael Lonneke states, however, that the NAB/RTNDA request is a self-serving idea designed to offset shrinking news budgets and smaller news staffs. The League also opposes the NAB/RTNDA request. It states that NAB/RTNDA is attempting to revisit an issue twice resolved against it and that we should not modify the proposed rule to accommodate NAB/RTNDA.

We do not believe that the amateur service frequencies should be used generally for newsgathering and, therefore, we are retaining the immediacy requirement for news gathering activities.

6. The one detail that we are not able to accommodate is the League's request that we provide a list of anecdotal exam-

ples of permitted and prohibited communications. For us to do so would necessitate that we intrude upon the day-to-day functioning of the amateur service to a far greater degree than we desire.

Further, in view of the wide diversity in the types of communications in which amateur operators want to engage, there would have to be thousands of examples. Therefore, we decline to devote staff resources to the development and maintenance of such a list. Rather, we will rely on the amateur service's traditions of self-regulation and cooperation between licensees, the cornerstones of the amateur service, to determine whether specific communications should be transmitted on amateur service frequencies.

We will also include the League's criterion, which we have incorporated in the rules we are adopting in this proceeding, that any amateur-to-amateur communications is permitted unless specifically prohibited, or unless transmitted for compensation, or unless done for the pecuniary benefit of the station control operator or his or her employer.

[The content of messages transmitted between amateur stations located in different countries is subject to international Radio Regulation No. 2732. This Radio Regulation is codified as Section 97.117 of the Commission's Rules, 47 C.F.R. § 97.117. Content restriction on messages between an amateur station located at a place where the amateur service is regulated by the FCC and a station within the jurisdiction of any foreign government is not affected by this amendment of Section 97.113.]

7. In summary, we have decided to amend the amateur service rules substantially as proposed by the League in order to allow amateur operators more flexibility to provide communications for public service projects as well as to enhance the value of the amateur service in satisfying personal communications needs.

Amendment of the rules as the League requests will allow licensees to use amateur service frequencies, for example, to facilitate events such as races and parades, to support educational activities, to provide personal communications such as making appointments and ordering food, to collect data for the National Weather Service, and to provide assistance voluntarily even where there are other authorized radio services available.

We believe that this action will expand the benefits derived from the amateur service by the general public as well as amateur service licensees.

III. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED that effective 30 days after publication in the Federal Register Part 97 of the Commission's Rules, 47 C.F.R. Part 97 IS AMENDED as set forth below. Authority for this action is found in Sections 301, 303(1)(l) and (r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 301, 303(1)(l) and (r).

9. It is FURTHER ORDERED that this proceeding IS TERMINATED.

10. For further information, contact the Personal Radio Branch, Special Services Division at (202) 632-4964.

William F. Caton
Acting Secretary

APPENDIX

1. Section 97.113 is revised to read as follows:

§ 97.113 Prohibited transmissions.

(a) No amateur station shall transmit:

- (1) Communications specifically prohibited elsewhere in the Part;
- (2) Communications for hire or for material compensation, direct or indirect, paid or promised, except as otherwise provided in these rules;
- (3) Communications in which the station licensee or control operator has a pecuniary interest, including communications on behalf of an employer. Amateur operators may, however, notify other amateur operators of the availability for sale or trade of apparatus normally used in an amateur station, provided that such activity is not conducted on a regular basis.
- (4) Music, using a phone emission, except as specifically provided elsewhere in this Section; communications intended to facilitate a criminal act; messages in codes or ciphers intended to obscure the meaning thereof, except as otherwise provided herein; obscene or indecent words or language; or false or deceptive messages, signals or identification.
- (5) Communications, on a regular basis, which could reasonably be furnished through other radio services.

(b) An amateur station shall not engage in any form of broadcasting, nor may an amateur station transmit one-way communications except as specifically provided in these rules; nor shall an amateur station engage in any activity related to program production or newsgathering for broadcasting purposes, except that communications directly related to the immediate safety of human life or the protection of property may be provided by amateur stations to broadcasters for dissemination to the public where no other means of communication is reasonably available before or at the time of the event.

(c) A control operator may accept compensation as an incident of a teaching position during periods of time when an amateur station is used by that teacher as a part of classroom instruction at an educational institution.

(d) The control operator of a club station may accept compensation for the periods of time when the station is transmitting telegraphy practice or information bulletins, provided that the station transmits such telegraphy practice and bulletins for at least 40 hours per week; schedules operations on at least six amateur service MF and HF bands using reasonable measures to maximize coverage; where the schedule of normal operating times and frequencies is published at least 30 days in advance of the actual transmissions; and where the control operator does not accept any direct or indirect compensation for any other service as a control operator.

(e) No station shall retransmit programs or signals emanating from any type of radio station other than an amateur station, except propagation and weather forecast information intended for use by the general public and originated from United States Government stations and communications, including incidental music originating on United States Government frequencies between a space shuttle and its associated Earth stations. Prior approval for shuttle retransmissions must be

obtained from the National Aeronautics and Space Administration. Such retransmissions must be for the exclusive use of amateur operators. Propagation, weather forecasts, and shuttle retransmissions may not be conducted on a regular basis, but only occasionally, as an incident of normal amateur radio communications.

(f) No amateur station, except an auxiliary, repeater or space station, may automatically retransmit the radio signals of other amateur stations.

FCC ON PROHIBITED COMMUNICATIONS

We telephoned the FCC in Washington, D.C. right after the Report and Order was issued on July 28th to discuss the new Section §97.113. We spoke to William T. Cross in the Personal Radio Branch who primarily handled the proceeding.

W5YI: Can you give me an overview of what the Commission did in PR Docket 92-136?

FCC: Basically what we did is to revise the "no-business" rule and relax the prohibitions on amateur communications primarily due to requests from the amateur community and a petition from the American Radio Relay League. We tried to do this without compromising the amateur nature of the service. The use of the Amateur Service for business communications and as an alternative for other radio services was relaxed. Now they can be transmitted as long as they are not done on a regular basis and as long as the control operator or his employer does not have a pecuniary [financial] interest in the communications.

W5YI: What is "not on a regular basis"? Will what constitutes "regular" be defined in Section 97.3? Will amateurs be subject to enforcement action for transmitting certain communications "...on a regular basis?"

FCC: I don't think you are going to see this issue challenged in FCC enforcement proceedings.

The Commission has now established a 4-part test that amateurs will have to use in deciding whether or not they should transmit a particular communication. That test is:

- (1) whether the communications are for hire or material compensation;
- (2) does the control operator or;
- (3) his employer have a pecuniary interest in the communication, and;
- (4) is it specifically prohibited.

If the control operator determines that he is not on the wrong side of one of those standards, then it is up to them to decide whether or not to transmit that message.

The question of "regular" is one that came up at the "Notice" stage. I remember the Bureau Chief being specifically asked about "what does on a regular basis mean" by the Commissioners when they adopted the NPRM. My recollection is that the Bureau Chief (Ralph Haller) said we were looking for comments to flush this out.

We realize that it is a somewhat "soft" term and we were hoping that the comments that came in in response to the proposal would help define what was regular...what was occasional...what do these terms mean. A good rule is a rule that people can understand and can follow without

having additional guidance. In this case, what we received were comments that made the point that "regular" was not something that we could define with numeric precision.

The one that probably says it the best since they also proposed this wording too was the League's comments. A footnote in their comments addresses the question of "on a regular basis.". The footnote says "regular" does not address a certain frequency, but instead establishes that such use is not a principle purpose of the Amateur Radio Service ...that it is abnormal and not to be encouraged. Whether abuse of this rule has occurred is to be determined on a case-by-case basis.

The presumption is that amateurs themselves being traditionally fiercely protective of their service will know when an abuse is occurring and will take the steps to prevent it from happening. While imprecision in a rule is a matter usually to be avoided, flexibility in this case is the better goal. Use of the "not on a regular basis" concept is already contained in the current §97.113 in regard to "swap nets" and has not proven to be a difficult concept to apply in practice. That is the substance of the help that the commission received in defining what is "...on a regular basis."

W5YI: What are the guidelines for "swap nets." Is it legal to mention money ...can you negotiate?

FCC: We have not objected to an amateur mentioning an asking price in a swap net. What we do object to is negotiations over-the-air. Our view is that a swap net is a convenient way to make it known to people that something is available. But if you want to dicker with the guy, then give him a phone call and take it off the air. That rule has not been changed as part of this proceeding. It needs to be in the rules, however, since it is an exception ...an operator is selling something. That is a pecuniary interest on the part of the control operator.

W5YI: The previous §97.113 mentioned that "...obscene, indecent and profane words, language or meaning" were prohibited. The new version only prohibits "obscene or indecent words or language." What happened to profanity?

FCC: All three were prohibited in the NPRM and have been banned in the Rules for years. The word "profanity" was eliminated in the review cycle as being a potential First Amendment problem, "...vague" and unenforceable. All Commission rulemaking must go through the General Counsel's office. They have had extensive experience with the broadcast services in this regard and I assume they eliminated the word. In any event, it was scratched out and a margin notation made by one of the attorneys. Actually, no one has ever been cited for a profanity violation, broadcast or amateur service.

W5YI: I note that retransmissions of propagation and weather forecasts originating on Government frequencies will now be permitted. Why does space shuttle retransmissions require prior NASA permission but propagation and weather forecasts do not?

FCC: The Commission did not give blanket authority for the retransmission of all Government weather or propagation forecasts. It gave authority only for the occasional retransmission of propagation and weather forecasts intended for use by the general public. What we are talking about here is propagation broadcasts such as WWV and WWVH ...and NOAA weather radio forecasts. This is what the hams told us they wanted to retransmit. Permission from NASA to retransmit shuttle-to-ground communications is a Rule that carried for-

ward from the old version of §97.113. It has not caused any difficulties or complaints ...nor did it come up in the public comments.

W5YI: Propagation forecasts are part of WWV and are sandwiched in between time signals. Can the time signals themselves be retransmitted?

FCC: That is not what the League asked for and that is not what the proposal included. The Rule provides for propagation, weather and shuttle retransmissions. At this point, time signals are not included. The period for reconsideration has not passed, however, and someone could ask that time signals be included if they felt it important. We would then consider it. We try to accommodate the amateur community as much as we can. I personally question the necessity of retransmitting time signals when they are readily available. And we do not envision that propagation and weather forecast will be long one-way retransmissions, instead they will be an occasional tool to assist with other normal amateur communications.

W5YI: Logistical communications - such as ordering dog food during the Alaskan Iditarod Dog Sled race ...or supplying needs to missionaries in South America - are now legal.

FCC: Again, you must look at the 4-part standard. All amateur-to-amateur volunteer communications where the control operator or his employer do not financially benefit are permitted ...that is, as long as the communications are not specifically prohibited.

You couldn't order bibles for a church if you were an employee of that church. An unpaid church member could provide communications, however, if there was no pecuniary advantage to the amateur. Except for employees of sponsoring organizations, volunteer logistical communications for races, parades and other public gatherings are now permitted. Previously, we said communications involving supplying, moving and quartering of participants and officials or arranging transportation was the "business" of the sponsor, and as such was prohibited.

Over the years - and the Iditarod Dog Sled race is a classic example - the justification for using amateur communications was that it was inexpensive to the sponsors and the amateurs wanted to do it. Our position was that the cost of obtaining communications in the proper service is not a reason to use the Amateur Service. But amateurs keep telling us they want to participate in these communications. All you have to do is scan through any ham publication and what you find is the amateurs really want to use their stations for this purpose. We have had any number of inquiries on this matter. What the rules say now, is there is a 4-part test and everyone should decide for themselves.

A 2-meter personal business conversation where a transaction was involved used to be prohibited. That kind of thing now is allowed. Conducting club business on-the-air is now O.K. The rules used to prohibit the business and commercial affairs of any entity. A club is an entity, so you couldn't conduct club business. Now you can. Providing talk-ins on the ham bands at hamfests has now been legitimized.

W5YI: You will shortly be able to order a pizza on the ham bands. But can you order an ARRL publication using ham radio ...or packet radio which is basically a one-way message?

W5YI REPORT

Nation's Oldest Ham Radio Newsletter

Page #6
August 15, 1993

FCC: The Commission basically is trying to accommodate the amateurs. There is no harm in an amateur trying to call a hotel on the autopatch to find a room at the Dayton HamVention, but we certainly do not want hotels and commercial users conducting business and taking over the ham bands.

One amateur ordering one book is not going to compromise the Amateur Service. The amateur is not making money from the transaction. An amateur ordering a product from the League by packet would not be in violation of the Rules. And a League employee checking a packet mailbox with no knowledge of what it might contain would not be disregarding the Rules either.

Anyone can receive any message. The prohibition is against transmitting a message in which you have a pecuniary interest.

W5YI: What about the international rules which preclude all pecuniary amateur communications?

FCC: None of this rule change affects international communications. This rule making applies only to domestic communications on the ham bands. International amateur communications remains subject to the requirements of the International Radio Regulations. This proceeding principally impacts VHF/UHF and domestic public service type activities.

W5YI: There is no change in one way transmissions such as code practice and information bulletins. I did note that there is a change for paid teachers using ham radio in the classroom.

FCC: Although we have not received an outpouring of letters from teachers concerned about being paid as an instructor while using ham radio in the classroom, the League wanted to exempt classroom teachers. What the teachers have been calling and writing us about is they want club stations for their schools and a special call sign.

W5YI: Do you have a final comment for the amateur community.

FCC: Well, we have certainly tried to accommodate the needs of the amateur community and we have tried to make the service more useful for the purposes that the amateurs would like to use it for. This rule making does increase the responsibility of the amateur community for self-regulation.

The previous rule was "no-business." No, means no! The amateur community though seemed very unhappy with that since there were communications that had a business element that they wanted to transmit ...such as gathering data for the National Weather Service. We are having a big dispute in the Washington area about that right now.

What we have said here is, you have a standard. It is a 4-part test. Is the communications specifically prohibited? Is it a message for hire or compensation, direct or indirect, paid or promised? Is it on behalf of your employer? Do you have a pecuniary interest in it. If not, decide for yourself.

Since there is a lot of flexibility in this Rule, and it does allow communications that previously were prohibited, amateurs themselves are going to have to be much more vigilant about the communications they handle. It could result in a lot of amateurs challenging the judgement of others as to whether they have made the proper decision about the use of amateur service frequencies.

The position that we have taken here is, we believe amateurs will protect their own service from exploitation. I also

think that another result could be a lot more disagreements amongst amateurs and you will have to solve them yourself.

JUNE AMATEUR LICENSING STATISTICS

JUNE	1990	1991	1992	1993
New Amateurs:				
New Novices	1724	1088	1371	1189
New Tech's	214	2112	4525	4725
Total New:	1984	3231	5957	5978
Upgrading:				
Novices	1690	1002	1569	834
Technicians	514	*420	*1156	*822
Generals	345	275	632	613
Advanced	266	191	492	367
Total:	2815	1888	3849	2633

Renewals:				
Total Renew:	77	45	89	262
Novices	8	1	13	18

Purged:				
Total Dropped:	4068	11	27	10
Novices	1813	2	4	0

Census:				
Indiv. Oper.	451878	520919	571280	614701
Change/Year	- 7429	+69041	+50361	+43421

Individual Operators by Class: (and % of total)

Extra	Advan.	General	Technic.	Novice	Total:
June 1990					

48624	98615	113329	110790	80620	451878
10.8%	21.8%	25.1%	24.5%	17.8%	100.0%

June 1991					
55425	106462	121204	140858	96970	520919
10.7%	20.4%	23.3%	27.0%	18.6%	100.0%

June 1992					
59720	109020	124202	179761	98577	571280
10.5%	19.1%	21.7%	31.5%	17.2%	100.0%

June 1993					
63527	111523	126462	212465	100724	614701
10.3%	18.1%	20.6%	34.7%	16.3%	100.0%

Club/					
RACES &	(1990)	(1991)	(1992)	(1993)	
Military:	2449	2432	2431	2431	
Total Active:	454327	523351	573711	617132	
% Increase	-1.6%	+15.2%	+ 9.6%	+ 7.6%	

(* = Does not include Technicians upgrading to Tech Plus)

AMATEURS BY CALL SIGN GROUP:

Group	Extra	Advan.	General	Technic.	Novice	Total
A	35893	682	249	7	0	36831
B	4157	29417	54	6	1	33635
C	14597	44342	67586	93922	47	220494
D	8635	36965	58466	118469	100674	323209
Other	245	117	107	61	2	532
Total	63527	111523	126462	212465	100724	614701

[Group "A"=2X1 & 2X2; "B"=2X2; "C"=1X3 "D"=2X3 format.]

[Source: FCC Licensing Facility, Gettysburg, PA]

• It is obvious that the **American Radio Relay League feels that they should be the only Club Call Sign Administrator.** No new club call signs have been issued since 1977. On August 6th, the League filed a 24 page "Opposition to Requests for Designation of Certain Entities as Club and Military Recreation Station Call Sign Administrators."

Four other organizations, besides the ARRL, applied to issue club call signs. To serve as a Call Sign Administrator, an organization must demonstrate, among other things, that it is tax exempt under the Section 501(c)(3) educational designation of the Internal Revenue Code of 1986 and exists for the purpose of furthering the amateur service; that its membership includes at least one percent of the amateur operators licensed by the FCC, presently more than 614,000 that it will accept and process applications without regard to race, sex, religion, national origin or membership (or lack thereof) in any amateur service organization; and that it will provide the FCC with a plan for processing applications for modified or renewed club licenses in the event the organization ceases to function as an administrator.

Other than itself, the ARRL said none of the others applying were qualified and challenged them all.

The League said the **W5YI-VEC** is not qualified because its 501(c)(3) tax exempt status, while applied for and accepted by the IRS, has not yet been issued.

It questioned the fact that the W5YI-VEC changed its corporate status from two divisions within one company to two separate corporations - one of which is to be 501(c)(3) under the Internal Revenue Code of 1986. The ARRL also said W5YI-VEC volunteer examiners cannot constitute members of an organization.

ARRL said that while the **Quarter Century Wireless Association** is indeed non-profit, it is a social club organized for pleasure and recreation under Section 501(c)(7) rather than education, 501(c)(3). ARRL further charges that QCWA is not capable of handling the assignment of club call signs with a single employee in Eugene, Oregon.

According to the League, the SouthEastern Repeater Association is not qualified because it made its filing by FAX in the early hours of July 26,

1993, when the FCC was not open. Furthermore, "A facsimile signature is insufficient and not acceptable for filing." ARRL says SERA "...does not have the requisite 1 percent of licensed amateurs as members."

The **National Amateur Radio Association** asserts that its members number between 7,800 and 7200 depending upon renewals but provides no information by which that claim can be substantiated, or what determines 'membership' in that organization. Neither is it clear what the organization is, other than a publisher of a magazine on a limited scale, subscriptions to which constitute membership." ARRL also questions NARA's administrative ability to handle of club call signs.

The League believes that since it originated and developed the program with Congress that it should be the sole call sign administrator. "The parochial interests of other organizations can easily be accommodated by the League..."

• **"Raincoat Charlie" Exposed!** William P. Irwin, K8CQR, of Debary, Florida, has been fined \$2,000 by FCC's Vero Beach, FL field office. Its engineers located and identified Irwin at his residence on July 22, 1993, as being the station previously identified only on 20 meters as "Raincoat Charlie." The FCC said "Mr. Irwin's sole purpose for being on the air appeared to many to be to harass and ridicule other amateurs in a particularly vulgar way." Irwin had vowed on the air that the FCC would never find him. A number of amateurs assisted in the investigation.

• While it has not been too widely publicized, the **Clinton Deficit Reduction Plan recently approved by Congress provides for spectrum auctions.** The Government says it will receive more than \$10 billion over the next five years when it sells radio spectrum to the highest bidder to implement new communications services.

• **The end of an era!** With an emotional last transmission, the **U.S. Coast Guard closed down Morse code operations** on 500 kHz on July 31st at 000Z. Coast Guard radiomen have been monitoring the 500 kilohertz radio frequency for distress signals since the turn of the century and in 1924 set up its first radio station to monitor the frequency continuously.

The advent of satellite and digital technology have now made Morse code obsolete on the high seas.

A misty-eyed Coast Guard radioman tapped out the following final good-bye message on 500 kHz:

"CQ DE NMC NOW CLOSING DOWN CONTINUOUS WATCH ON 500 KHZ AND CEASING ALL MORSE CODE SERVICES IN THE MF BAND. AS WE CONCLUDE OUR WATCH ON 500 KHZ, WE WISH THE MARITIME COMMUNITY FAIR WINDS AND FOLLOWING SEAS. WE ARE PROUD OF OUR TRADITION AND LONG STANDING SERVICES ON MF WHICH BEGAN IN 1901 WITH THE REVENUE CUTTER SERVICE ACTIVELY EXPERIMENTING WITH WIRELESS AS A REGULAR MEANS OF COMMUNICATIONS ON LAND AND SEA TO THE FIRST INSTALLATION ABOARD CUTTER GRANT IN 1903.

OUR FIRST DISTRESS CALL FROM AN AMERICAN SHIP WAS RECEIVED ON 10 DEC 1904 BY RELIEF LIGHTSHIP 58 AT THE NANTUCKET SHOALS STATION. THIS CONSISTED OF THE WORD "HELP" FOLLOWED BY A REQUEST FOR AID. BY ACT OF CONGRESS ON 4 MAY 1910, EVERY PASSENGER SHIP AND ANY OTHER SHIP CARRYING 50 PERSONS OR MORE, LEAVING ANY PORT IN THE U.S. WAS REQUIRED TO BE EQUIPPED WITH RADIO.

NECESSITY FOR IMPROVEMENT IN APPARATUS AND METHODS WAS EMPHASIZED WHEN OVER 1,500 LIVES WERE LOST IN THE TITANIC DISASTER OF APRIL 1912. SINCE THEN, THE COAST GUARD HAS FAITHFULLY AND DILIGENTLY LISTENED TO 500 KHZ, COPYING AND RESPONDING TO NUMEROUS CALLS FROM MARINERS IN NEED OF ASSISTANCE AT SEA. WE HAVE ALSO PROVIDED YOU WITH THOUSANDS OF URGENT, SAFETY AND NAVIGATIONAL WARNINGS AND RELATED CW ASSISTANCE OVER THE YEARS. WE NOW LOOK FORWARD TO SERVING YOU ON THE NEXT GENERATION OF COMMUNICATIONS EQUIPMENT AND SYSTEMS VIA THE GLOBAL MARINE DISTRESS AND SAFETY SYSTEM (GMDSS).

FROM ALL COAST GUARD RADIOMEN AND WOMEN, WE BID YOU 73. DE NMC QRU CL AR SK . . (Dit Dit) 2351Z JUL 31 1993

Ships at sea responded with "good luck" and a final CW "good bye."

W5YI REPORT

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FCC ANNOUNCES COLEM APPOINTMENTS

On April 7, 1993, the FCC released a Public Notice announcing that it would begin accepting requests from entities that want to be certified as a Commercial Operator License Examination Manager (COLEM) beginning April 12, 1993 and ending May 7, 1993. The FCC stated that if it received more requests to become a COLEM than administrative efficiency permits it to grant, it would base its decision on the information provided in the requests. Sixty requests were submitted. From these 60 requests, the Commission selected the nine organizations listed below to serve as COLEMs.

Drake Training and Technologies, 8800 Queen Avenue South, Bloomington, MN 55431. All elements are available by appointment on a daily basis in all states except Maine at over 200 locations throughout North America and over 300 locations worldwide. Evening, weekend and holiday appointments are available. Fee: \$60.00 per examination. Contact: Julie Johnson - (800) 401-EXAM, FAX (612) 921-7248

Electronic Technicians Association International, Inc., 602 N. Jackson St., Greencastle, IN 46135. All elements are available at test sites located throughout all states, including some stateside and overseas U.S. military installations (DANTES.) Call for schedule information. Examinations are also available by appointment. Fee: \$35.00 - \$75.00. Contact: Anne Boiles - (317) 653-431 or (317) 653-8262, FAX: (317) 653-8262.

Elkins Institute, Inc., P.O. Box 797666, Dallas, TX 75379. All written elements are available at test sites located throughout all states. Scheduled examinations are available as well as examinations by appointment. Fee: \$50.00 for first element and \$25.00 for each additional element taken at same sitting. Contact: Ed Lyda - (800) 944-1603, FAX: (214) 732-0244

International Society of Certified Electronics Technicians (ISCET), 2708 W. Berry St., Fort Worth, TX 76109. All elements are available by appointment from 360 examiners in 47 states, Guam and selected foreign countries. (Alaska, Vermont, and Wyoming not presently available.) Fee: \$25.00 to \$75.00 per element. Contact: Dept. 19 - (817) 921-9101, FAX: (817) 921-3741

National Association of Business and Educational Radio, Inc., (NABER), 1501 Duke St., Alexandria, VA 22314. Written elements 1, 3, 7, and 9 are available at 95 test centers nationwide five days a week. Fee: \$63.00 - \$120.00. Contact: FCC Technician Testing Center. Information: (800) 759-0300 or FAX: (703) 836-1608. Registration: (800) 869-1100 or FAX: (612) 832-1290.

Sea School, 5905 4th Street N., St. Petersburg, FL 33703. All elements are available by appointment in 83 coastal cities. Fee: \$25.00 - \$55.00. Contact: Len Wahl, (800) 237-8663, FAX: (813) 522-3155.

Sylvan KEE Systems, 9135 Guilford Rd., Columbia, MO 21046. All elements are available on a daily, walk-in or scheduled appointment basis, Monday through Saturday (except holidays) at over 110 computerized testing centers in 35 states. Fee: \$50.00 - \$75.00. Contact: National Registration Center: (800) 967-1100, FAX: (410) 880-8714.

The National Association of Radio Telecommunications Engineers, Inc., (NARTE), P.O. Box 678, Medway, MA 02053. Fedex: 11 Awl St., Medway, MA 02053. All elements are available by appointment on a quarterly basis at NARTE test centers located at over 120 universities and colleges throughout the U.S. Examinations are also available at stateside and some overseas U.S. military installations through on-base educational centers (DANTES). Fee: \$40.00 per examination per sitting. Contact: Susan Stillwell - (508) 533-8333, FAX: (508) 533-3815.

The W5YI Group, Inc., National Radio Examiners Division, P.O. Box 565206, Dallas, TX 75356-5206. UPS or Fedex: 2000 E. Randol Mill Rd., Suite 608-A, Arlington, TX 76011. All elements are available on a monthly or quarterly basis, based on demand, in all states, plus other locations. Fee: \$35.00 per license. Contact: Frederick O. Maia, (817) 461-6443, FAX: (817) 548-9594, MCI-Mail: 351-1297.

In order to make commercial operator license examinations available to the public as soon as possible, the FCC will implement the private examination system in stages. After August 31, 1993, COLEMs may begin administering examinations for the Marine Radio Operator Permit and the General Radiotelephone Operator License, written Elements 1 and 3. See Sections §13-201 and §13.203 of the Commission's Rules.

At the same time, the FCC will start to accept applications again on a routine basis for the Marine Radio Operator Permit and the General Radiotelephone Operator License, the two most-requested commercial operator licenses. Any application for one of these two licenses must include a *Proof of Passing Certificate* (PPC) from a COLEM showing that the applicant has passed or received credit for the necessary examination element(s). The completed application (Form 756), including the PPC(s), must be submitted to: FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. The Element 1 (Radio law) and Element 3 (electronic fundamentals and techniques) question pools will be available on Aug. 31 from **The W5YI Group, P.O. Box 565206, Dallas, TX 75356-5206** at a cost of \$5.00 per element, \$10.00 for both Element 1 and 3.

The FCC has scheduled the first **COLEM Conference** to be held in Gettysburg, PA on August 26 and 27. Our next newsletter - which may be a few days late since our deadline must be extended - will cover this meeting and will be entirely devoted to the FCC's new privatized Commercial Operator testing program.

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CONGRESS AUTHORIZES AMATEUR VANITY CALL SIGNS - PRES. CLINTON TO SIGN LEGISLATION

Both the House of Representatives and the U.S. Senate have approved legislation that authorizes the Federal Communications Commission to issue unique amateur station call signs at a cost of \$7.00 per year to the ham radio community! The stunning development has caught everyone flat-footed. That is everyone except Jim Wills, N5HCT (ex WA5EHQ) - a retired Extra Class amateur from Tyler, Texas. He has been working on the project for more than three years now.

Even the FCC was not aware of the short four word line in President Clinton's well publicized Deficit Reduction Plan that authorizes the Commission to issue special "vanity" call signs to the amateur community.

Actually the matter starts back in June 1990 when Wills filed a *Petition for Rule Making* in response to an April 19, 1990, FCC Public Notice concerning the assignment of Amateur Radio station call signs. He suggested that amateurs be allowed to specify three call sign choices in order of preference and attach a \$30.00 fee to the FCC requesting a call sign change. "The Federal Budget and the amateur community all gain from this proposal", he said. That petition was denied because of the statutory exemption of amateur service applications from fees.

A couple of months later, Wills wrote Senator Phil Gramm concerning the reassignment of unused dormant call signs. After contacting the FCC, Gramm wrote Wills back that the FCC is prohibited from granting requests for special call signs and Congress prohibits charging user fees to amateur radio operators. Wills wrote a follow up letter to Gramm which got a response from the FCC's Managing Director, Andrew Fishel. Fishel said that "Resources for such additional workload are simply not available. In 1989, the Commission considered whether a special call sign system administered by the private sector was a feasible option and concluded that even if a special call sign system were handled in the private sector, the drain on the Commission's resources would be too great." (PRB-3)

In November of 1990, Wills next wrote Congressman Ralph M. Hall (Democrat-TX) who sits on the powerful House Telecommunications and Finance Subcommittee. FCC's Andrew Fishel responded to that letter also stating that "...Congressional intent is clear that all fees from amateur radio licensees are stricken since they do not operate for profit..." Wills also wrote Larry E. Price, W4RA, then president of the ARRL, but got little help.

Still not willing to take no for an answer, Wills next wrote President Bush! The answer came back co-signed by both Fishel - his third response, and Private Radio Bureau Chief, Ralph Haller. Again, the answer was "...we cannot collect a fee for any amateur service

application, including a fee for unused call signs. Moreover, any amateur service fee requirement would require a statutory amendment which would require action by the Congress." Six months later, Wills again wrote President Bush and again the FCC (this time John B. Johnston, Chief of the Personal Radio Branch) gave the same answer as did Fishel and Haller.

Wills then tried the National Telecommunications and Information Administration. NTIA's Janice Obuchowski told Wills that "The Department of Commerce does not have the authority to regulate call signs." She referred Will's letter to FCC Chairman Alfred C. Sikes and added, "...you may wish to express your views to your representatives in Congress."

On December 9, 1991, Congressman Ralph Hall again wrote Wills that "I've shared your idea with the staff of the Telecommunications Subcommittee, and they are currently conducting an inquiry in conjunction with the FCC to determine whether such a fee would collect enough money to pay for itself. If so, we may be able to make the necessary legislative changes in the FCC reauthorization bill to put such a 'vanity call sign fee' into effect."

In mid-1992, FCC Chairman Al Sikes awarded K3VOA to the Voice of America Ham Club on their 50th anniversary. They were previously K3EKA. It thus appeared that waivers of the rules were possible if you knew the right people. Wills wrote another letter complaining to Sikes on June 3rd. Private Radio Bureau Deputy Chief, Beverly Baker, answered that letter explaining "...the extraordinary circumstances presented in the VOA request that persuaded us to make a single exception."

On June 12th, a letter, jointly signed by Edward J. Markey and Congressman Ralph M. Hall was sent to FCC Chairman Sikes. It said "We are writing to you on behalf of several amateur radio operators who are interested in the establishment of an FCC system for allotting distinctive call signs. Such call signs would be available at a fee to radio operators, in order to recover the total cost associated with the program." The addition of Markey's signature to the letter added renewed importance! Markey controls the FCC budget.

The answer this time came from Chairman Alfred C. Sikes himself! He said that the FCC had been unable "...to establish a system of distinctive call signs because of the specialized handling, resource limitations and the inability of our current computer system to perform this specialized function. A distinctive call sign program would require a new automated system at an approximate cost of \$250,000." He added that "...Congress has not given the FCC the legal authority to retain the fees collected to offset program costs."

On January 13, 1993, Congressman Hall again wrote Jim Wills. "Al Sikes raises a legitimate complaint about the lack of FCC resources, but he misses the point Ed Markey and I were talking about when we

sent our June 12th letter to the Commission Chairman. A self-funding program of granting special call signs to ham radio enthusiasts would not place additional demands on FCC resources as long as the FCC set fees at an appropriate level. I was not aware of the statements made by Amateur Radio Bureau (sic) Chief Haller, but it appears that -- with or without the knowledge of Chairman Sikes -- the FCC is already moving towards implementing a specialized call sign program. It's important to note, however, that the FCC will still need permission from Congress to collect fees. My staff has already started discussion about this issue with the staff of Telecommunications Subcommittee Chairman Ed Markey. I'm confident that he will support a legislative proposal which would allow the FCC to collect fees for specialized call signs."

Budget Reconciliation Act of 1993.

That's the official name of the Clinton Deficit Reduction Plan. Tucked away on Page 57 of that bill is a list of fees that the FCC may "...assess and collect". The payment is required to be "...in advance for a number of years not to exceed the term of the license held by the payor." Paragraph "g" contains a chart of FCC Bureaus and Fee Categories.

We spoke last Friday to Martin Edwards, Legislative Assistant to Congressman Ralph M. Hall. He told us the agreement "...was worked out the other night to charge any amateur who wants a specific call sign."

"We envision that the legislation will probably be implemented so that an amateur pays \$35.00 every five years although there is no language in the bill that says they have to do it that way. It only says they have the authority because they do not have this authority right now. While I don't have all the details, as I understand it, the proceeds will go to the FCC to augment their budget, ...pay for equipment, staff and stuff. I don't believe any [funds] go into the General Treasury. Actually, Congress has previously and specifically prohibited something like this. The legislation leaves it totally up to the FCC how they want to administer the program.

I asked Edwards to FAX me Page 57 from the Clinton Deficit Reduction Plan, which he immediately did. Here is the verbatim wording applying to special amateur call signs.

SCHEDULE OF REGULATORY FEES

Bureau/Category	Annual Regulatory Fee
Private Radio Bureau	
Amateur vanity call-signs	7

As you are probably aware, Clinton lobbied long and hard to get his Deficit Reduction Plan through Congress. It passed the House by only 2 votes (218 to 216) and Vice President Al Gore had to break a 50-

50 tie in the Senate. Clinton is certain to sign the measure into law, reportedly on Tuesday, August 10th. The legislation becomes effective immediately after Clinton signs it.

Ironically, even though Congressman Hall was primarily responsible for getting the getting the Amateur call sign amendment tied to that bill, he voted against it! He was opposed to the Clinton budget package and his plan was to get it later inserted in the FCC Authorization bill which would be coming up this fall.

At the Annual VEC Conference this past June, Personal Radio Branch Chief, John B. Johnston mentioned to the VECs that "...the FCC does not have ability to assign specific call signs and the present Group A, B, C, D call sign system will remain. A new computer system coming on line shortly is being programmed, however, to provide personalized Amateur call signs which would require a fee." Maybe Johnston had advance word about the pending legislation since he said that he "...would like that fee to go to the FCC to help finance Amateur Radio administration but that would require Congressional legislation." He added "...in the future it might be possible for Amateurs to obtain any unassigned call sign."

Larry Weikert, an official at the FCC's Gettysburg licensing facility also talked about special call signs in his remarks at that same meeting. He restated that "The vanity, reserved and retired [call sign] system would be in addition to the routine call sign assignment that we use today. Although no decision has been made, we might allow a six month period for the applying for vanity, reserved and retired calls. After that period, those old calls that are still not assigned could be made available to fill in those areas in the groups that have been exhausted."

The special call sign program still has to go through rule making before it can be implemented by the Private Radio Bureau, a process that could take a year or more. Actually, the FCC's Private Radio Bureau has been trying on their own to get a Special Call Sign Assignment System implemented and it was listed on their "annual wish list" of Legislative Proposals they would like to see adopted. In any event, it all came together last week.

Jim Wills, N5HCT told us of the numerous Government officials he had written to over the past three years trying to reestablish personalized call signs. Nothing worked until he called upon the people who control the budget of the FCC. "That got their attention." He said Martin Edwards (Congressman Hall's assistant) told him on the phone, "We have never had anyone bring a problem to us, tell us how to do it, and then tell us how to pay for it before." Wills said he remembered what his 2nd grade teacher told him so many years ago. "If at first you don't succeed, try, try again." Truly one man, one vote, can (and did) make a difference.